

**Testimony of Eleanor Eisenberg  
Arizona Civil Liberties Union  
March 17, 2001**

**Before the United State House of Representatives Committee on House Administration**

**Chairman Ney, Representatives Mica, Linder, Doolittle and Ehlers, thank you for inviting the ACLU to speak with you about the critical issue of campaign finance reform.**

**I am Eleanor Eisenberg, the Executive Director of the Arizona Civil Liberties Union, a statewide affiliate of the National ACLU. The issue of campaign finance reform has been debated within the ACLU for many years and there are misunderstandings about the position the ACLU has taken. The ACLU, strongly favors campaign finance reform.**

**Having said that, we must also say that we oppose the current proposals which would purport to achieve reform by limiting political speech, contributions and expenditures by individuals or organizations for the purpose of advocating on behalf of causes or candidates in the public forum. Such limitations pose serious threats to the First Amendment protections of free speech and free association.**

**The ACLU supports public funding available to all legally qualified candidates for office. The funding must be adequate to provide a floor for campaign expenditures sufficient to insure fair public debate. Caps on contributions and expenditures have the opposite effect; they widen the divide between candidates, infringe on free speech and limit public debate.**

**A serious and deleterious effect of the current system of campaign financing is that those who are elected to office are less able than they should be to turn to matters of government since they are always having to think about raising the enormous sums of money required to run a campaign. If caps are in place, the situation could be exacerbated because a candidate/officeholder will need to spend more time away from his or her governing responsibilities while seeking smaller but more numerous contributions. We must make it possible for those in government to devote themselves to governing rather than campaigning.**

**Funding streams to support campaign financing could include restoration of modest tax credits for political contributions and increasing the voluntary check off on tax returns. Vouchers should be made available for media time and for travel expenses.**

**Controlling costs, combined with adequate public funding would bring about true reform while maintaining first amendment rights.**

**More often than not, a city has but one newspaper. Network television and radio stations are often also owned and controlled by corporations, often controlling a number of the media outlets in any given area. I hope that no one would suggest that they could not print or run stories, editorialize, endorse candidates, report on campaign funding and funders up to the very last**

Testimony of Eleanor Eisenberg  
Arizona Civil Liberties Union  
March 17, 2001  
page 2

minute of a campaign and election. Ordinary people should not be restricted either. We must, in fact, do everything we can to encourage political participation.

Nonetheless, it is pretty clear that many media outlets, and the corporations which control them, have a particular political perspective. As you know, the ACLU certainly supports a free press, including electronic media and the internet. However, it would be ludicrous, in our view, to not provide an opportunity for a candidate who is not favored by the media, or because they are not incumbents with greater coverage, to have access to the media or for an organization or individual with a different view to be barred from the media close to an election. Any ban on issue advocacy or expression we are convinced, is unconstitutional.

Television is the most cost intensive factor in any campaign. While there are many who believe that use of the airwaves which belong to the public could and should be conditioned by requiring public and community service time, it is questionable whether you can compel a network to carry election related material. The answer then, might be to provide vouchers or other forms of public funding to gain access to the electronic media for all legally qualified candidates. Surely, the presidential debates should be more inclusive than they were in the last campaign season.

Such measures would also serve to level the playing field among candidates with great personal wealth and those without, among candidates of the two major parties and those affiliated with "third parties" and between incumbents and challengers.

Now, the rich and incumbents have the advantage. According to data compiled by The Center for Responsive Politics, in nearly two thirds of all House districts, an incumbent will raise more funds than a challenger by a factor of 10 to 1 or more.

The Supreme Court has already held that a candidate cannot be constrained in expenditures of his or her own money since it could not be said that they would be buying influence. Incumbents have the advantage through media coverage, franking privileges and staff. I know that staff supported by tax dollars cannot be utilized in a political campaign, but it is disingenuous to pretend that staff work in developing position papers, etc., are not useful to a candidate. The ACLU would not support denying the franking privilege close to an election, rather, the ACLU would support extending a franking privilege to all legally qualified candidates.

The ACLU strongly supports full public disclosure. However, the burden of disclosure should not be so onerous as to chill speech. A format must be developed which will provide ease of reporting and public access. The most likely medium would be the internet.

**Testimony of Eleanor Eisenberg  
Arizona Civil Liberties Union  
March 17, 2001  
page 3**

**The ACLU opposes any proposals for campaign finance reform which limit free speech and political expression, not because we do not believe that the system needs reform, but because we support the First Amendment.**

**Thank you again for the opportunity to address one of the most critical issues of our time.**